

VZCZCXRO4967  
OO RUEHROV RUEHTRO  
DE RUCNDT #0880/01 2810132

ZNY CCCCC ZZH  
O 080132Z OCT 09  
FM USMISSION USUN NEW YORK  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 7277  
INFO RUEHXK/ARAB ISRAELI COLLECTIVE IMMEDIATE  
RUEHGG/UN SECURITY COUNCIL COLLECTIVE IMMEDIATE

C O N F I D E N T I A L SECTION 01 OF 02 USUN NEW YORK 000880

SIPDIS

E.O. 12958: DECL: 10/08/2019

TAGS: [PREL](#) [KPAL](#) [KWBG](#) [UNSC](#) [IS](#) [LY](#)

SUBJECT: UNSC DECIDES TO HANDLE LIBYAN REQUEST FOR MEETING  
ON GOLDSSTONE REPORT BY ADVANCING MONTHLY MIDDLE EAST DEBATE  
TO OCTOBER 14

REF: USUN NEW YORK 875

Classified By: Ambassador Alex D. Wolff for reasons 1.4 (b) and (d).

¶1. (C) Summary and Comment: The Security Council met on October 7 in closed consultations to discuss the Libyan mission's request for an urgent Council meeting on the Goldstone report. Prior to consultations, USUN had surveyed the Council and knew that there was little support for a stand alone meeting on the Goldstone report but great interest in advancing the date of the Middle East Open Debate as a compromise. Ambassador Wolff met with the Security Council President (Vietnam) immediately before consultations to note our strong preference for rescheduling the Middle East Open Debate no earlier than October 14. The President then took that suggestion to the Libyans and the rest of the Non-aligned Movement (NAM) Caucus which was meeting prior to consultations. With Costa Rica and Mexico articulating to the NAM Caucus their strong resistance to a separate meeting in the Council on the Goldstone report, the Vietnamese succeeded in pressing the Libyans to accept the October 14 date before Council consultations began. The strong Russian position against a separate Council meeting on the Goldstone report left Libya with few supporters in the Council, aside from China. Once all Council members had spoken during consultations, the Security Council President easily gaveted through a consensus decision to advance the Middle East Open Debate to October 14 from October 20. End Summary and Comment.

¶2. (C) The Security Council met on October 7 in closed consultations to discuss the Libyan mission's October 6 request to the Security Council President for an urgent meeting of the Council "to discuss the Report of the United Nations Fact Finding Mission on the Gaza Conflict led by Justice Richard Goldstone" which was subsequently seconded on October 7 by letters from the chairmen of the Arab Group and the Non-aligned Movement. During the Council's consultations, Libyan Perm Rep Shalgham argued for an urgent open meeting of the Council on October 9 in order for the report to be discussed publicly in light of the great amount of tension and anger in the region over the Human Rights Council's (HRC) postponement of its deliberations on the report. He noted that the Palestinian Foreign Minister plans to arrive in New York late on October 7.

¶3. (C) Ambassador Wolff spoke next and questioned the urgency of the request, noting that the Goldstone report was mentioned during the Council's last meeting on the Middle East and that the NAM, OIC, African Group, and Arab Group had all decided to defer it to the next session of the Human Rights Council. He read the Geneva-based Pakistani Ambassador's statement in the HRC to that effect. He underscored that media reaction is not a reason for action by the Security Council, especially not when the issue is on the agenda of another competent UN body. He noted that the Council is often accused of encroachment on other UN bodies and it should think carefully about setting the precedent of

looking into this subject before the Human Rights Council has completed its deliberations and especially in light of the HRC's recent decision to defer discussion to its next session. He also noted that any decision on this matter must be viewed in light of the broader efforts on the peace process, and he announced Special Envoy Mitchell's recent arrival in the region.

¶ 14. (C) The Costa Rican and Mexican Perm Reps spoke next and emphasized the need to preserve the prerogative of the Human Rights Council to handle the issue first, as it had established the fact-finding mission, and to adopt its own recommendations. Only after the HRC's due consideration should the Security Council take up the Goldstone Report, they emphasized. While both recognized the right of a Council member to request a meeting, they both referred to the Open Debate on the Middle East scheduled for October 20 and suggested that the date be advanced and that meeting be used as the occasion to address the full range of issues facing the Middle East. Mexican Perm Rep Heller concluded his remarks by emphasizing that the Security Council is not a tribunal.

¶ 15. (C) The UK Deputy Perm Rep said that the Council is not indifferent to the ongoing situation in the Middle East, given its regular monthly meetings, and emphasized that those meetings were the appropriate occasion for a delegation to raise the Goldstone report. The Russian Deputy Perm Rep also called for members to consider the ongoing situation in the Middle East, including peace efforts, and pressed for any discussion of the Goldstone report to be in the context of the scheduled Open Debate and urged the Council to make a

USUN NEW Y 00000880 002 OF 002

decision on the Libyan meeting request by consensus. French Perm Rep Araud said the Council should not disregard the HRC's position of only several days earlier to defer its consideration of the matter to its next meeting. He said it would "smack of the Security Council's arrogance" to consider the matter after such a decision. Ugandan Perm Rep Rugunda and the Burkina Faso and Austrian Deputy Perm Reps also spoke in favor of advancing the date of the Open Debate and letting Council members decide whether or not to address the Goldstone report in their interventions. Japanese Perm Rep Takasu and Croatian Perm Rep Vilovic both called for the Council not to act specifically on the Goldstone report until the HRC had finished its deliberations and echoed the call for the Open Debate on the Middle East to be moved to earlier in the month.

¶ 16. (C) Turkish Perm Rep Apakan emphasized the suffering of the Palestinian people and called for the implementation of UNSCR 1860. While he called for a discussion of the Goldstone report, he said the Council should try to find a consensus arrangement. The Chinese Deputy Perm Rep supported the Libyan request for a meeting on the Goldstone report, noting that there has been no real progress in Gaza and that the HRC's postponement of its deliberations should not affect the Council. The Vietnamese Security Council President then proposed that, given the large degree of consensus on moving the Open Debate to an earlier date, it be rescheduled for Wednesday, October 14. No Council member disagreed, and the Security Council President gaveled through the decision.

¶ 17. (C) Comment: This compromise had essentially been worked out before the start of the meeting when Ambassador Wolff met separately with the Security Council President (Vietnamese Perm Rep) to note our strong preference to reschedule the Open Debate no earlier than October 14. The Security Council President then carried this message to a meeting of the NAM caucus where Council members, including Costa Rica and Mexico, pressed the Libyans to accept the October 14 date. End comment.

¶ 18. (C) In a pull-aside after the Council's consultations, Libyan Perm Rep Shalgham told Ambassador Wolff that Libya

would not be seeking a product from the Open Debate on October 14. Shalgham further explained that Palestinian President Abbas is in "trouble" and certain people have declared a "fatwa" against him and the Libyans are trying to help him.

¶9. (C) After consultations, the Libyan Perm Rep, Palestinian Permanent Observer, Sudanese Perm Rep (as head of the Arab Group), and Egyptian Perm Rep (as head of the NAM) addressed the press stake-out about the Council's decision. As they deliberately mischaracterized the Council's decision as an Open Debate on the Goldstone Report and not as the previously-scheduled Open Debate on the Middle East, Ambassador Wolff addressed the stake-out to correct the record. (Note: Transcript available at usun.state.gov. End note.) The Vietnamese Security Council President later told Ambassador Wolff that he had also made the same point to the press -- that the agenda item for the Open Debate would be the "Situation in the Middle East, including the Palestinian question."

RICE